

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

MARY W. COLLINS, an individual,

Plaintiff,

v.

HOLLAND AMERICA LINE - U.S.A., a  
Washington corporation; HOLLAND AMERICA  
LINE, INC., a Washington corporation; HOLLAND  
AMERICA LINE N.V., a Curacao corporation; and  
HAL ANTILLEN N.V., a Curacao corporation,

Defendants.

CASE NO.

COMPLAINT FOR DAMAGES  
AND PERSONAL INJURIES

Plaintiff Mary W. Collins, through counsel, alleges as follows:

I.

PARTIES

1.1 Plaintiff Mary W. Collins ("Plaintiff") is a resident of the state of Florida.

1.2 Defendant Holland America Line – U.S.A. is a Washington corporation with its principal place of business in Seattle, Washington and at all material times was an agent of Defendants Holland America Line N.V. and HAL Antillen N.V.

1.3 Defendant Holland America Line, Inc. is a Washington corporation with its principal place of business in Seattle, Washington and at all material times was an agent of Defendants Holland America Line N.V. and HAL Antillen N.V.

1.5 Defendant HAL Antillen N.V. is a Curacao corporation and at all material times owned the ms Oosterdam.

## JURISDICTION AND VENUE

2.1 The United States District Court for the Western District of Washington has jurisdiction over Plaintiff's claims under 28 U.S.C. § 1332 (diversity of citizenship) because the amount in controversy exceeds \$75,000, exclusive of interest and costs, and because there is complete diversity between Plaintiff and all Defendants.

2.2 The United States District Court for the Western District of Washington has personal jurisdiction over all Defendants based on all Defendants' substantial, continuous, and systematic business contacts within the state of Washington.

2.3 Venue is proper in the United States District Court for the Western District of Washington under 28 U.S.C. § 1391(b).

2.4 Personal jurisdiction also exists and venue is also proper in The United States District Court for the Western District of Washington under the forum selection clause contained in the Holland America Line Cruise Contract (“Cruise Contract”).

2.5 Plaintiff sent a written Notice of Claim (copy attached as Exhibit 1) to Darlene Hembree, Legal Department, Holland America Group (acting on behalf of all Defendants) by certified/registered mail on or about August 3, 2015, within the six-month time limit set forth in the Cruise Contract.

2.6 The Holland America Group received and signed for the Notice of Claim on August 10, 2015 (copy of receipt attached as Exhibit 2).

## FACTS

3.6 Upon information and belief, the malfunction of the elevator doors on May 19, 2015 was caused by negligent control, maintenance, inspection, and usage, among other defects, by Defendants, including failure of the elevator door sensors that were intended and expected to

1 keep the doors open until passengers such as Plaintiff had completely exited the elevator  
2 doorway.

3 3.7 Defendants were or should have been aware of the unreasonably dangerous  
4 condition posed by the malfunctioning elevator doors.

5 3.8 Plaintiff did not cause or contribute to the malfunctioning elevator doors and did  
6 not cause or contribute to her injuries and damages.

7 3.9 Plaintiff has met all of the conditions precedent set forth in the Cruise Contract,  
8 including but not limited to sending a timely written Notice of Claim.

9 IV.

10 CAUSE OF ACTION: NEGLIGENCE

11 4.1 Plaintiff re-alleges the allegations of ¶¶ 1.1 – 3.9.

12 4.2 Defendants owed Plaintiff affirmative duties of reasonable care under the  
13 circumstances, or alternatively, higher duties of care commensurate with their maritime common  
14 carrier/passenger relationship to Plaintiff. Defendants' duties of care arose from the maritime  
15 law of negligence and also as implied contractual duties to their paying passenger. Defendants  
16 failed to uphold their duties of care to Plaintiff.

17 4.3 As a proximate result of Defendants' failure to uphold their duties of care,  
18 Plaintiff has suffered injuries and damages.

19 V.

20 DAMAGES

21 5.1 Plaintiff re-alleges the allegations of ¶¶ 1.1 – 4.3.

22 5.2 Defendants' negligence directly and proximately caused Plaintiff to suffer serious  
23 bodily injuries, including multiple lacerations, contusions and abrasions on her left arm and  
24 elbow, and medical complications, including pneumonia and related illness, resulting in  
25 pecuniary and other compensable losses, including past and future health care expenses.  
26 Plaintiff has incurred related items of special damages for travel to health care appointments,  
27

1 household assistance, and other out of pocket expenses, all in amounts to be proven at the time of  
2 trial.

3 5.3 Defendants' negligence directly and proximately caused Plaintiff to suffer  
4 physical and emotional injuries and general damages, including but not limited to: temporary and  
5 permanent physical impairment, disfigurement, physical and mental pain and suffering,  
6 disability, limitations and loss of enjoyment of life, in amounts to be proven at the time of trial.

7 5.4 Plaintiff did not cause or contribute to the injuries and damages that she suffered.

8 WHEREFORE, Plaintiff prays that she be awarded Judgment against Defendants, jointly  
9 and severally, including the following relief:

- 10 1. General and special damages in amounts to be proven at trial;  
11 2. Punitive damages as may be permitted under applicable law;  
12 3. Prejudgment interest on all items of special damage;  
13 4. Plaintiff's taxable costs of suit and statutory attorney fees; and  
14 5. Such other and further relief as the Court may determine to be appropriate under  
15 the circumstances.

16 Dated this 29<sup>th</sup> day of April, 2016.

17  
18 s/ Steven D. Robinson

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